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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,093	09/09/2003	Ravi F. Saraf	YOR909980228US4	9830
30678	7590	04/21/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800 1990 M STREET NW WASHINGTON, DC 20036-3425			WILDER, CYNTHIA B	
			ART UNIT	PAPER NUMBER
			1637	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,093

Applicant(s)

SARAF ET AL.

Examiner

Cynthia B. Wilder, Ph.D.

Art Unit

1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-61, 63, 64, 66-83 and 85-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 59-61, 63, 64, 66-79, 81-83 and 85-112 is/are allowed.
- 6) ☒ Claim(s) 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/7/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed 12/7/2005 is acknowledged and has been entered. Claim 64 has been amended. Claims 1-59, 62, 65 and 84 have been canceled. Claims 59-61, 63-64, 66-83 and 85-112 are pending. Any rejection not reiterated in this action has been withdrawn as being obviated by the amendment of the claims.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Previous Objections and Rejections

3. The objection to the specification is withdrawn in view of Applicant's amendment. The new matter rejections under 35 USC 112 first paragraph directed to claims 61, 63, 64, 69 and 87 and 91-94 are withdrawn in view of Applicant's arguments which establishes support of the claim limitation. The claim rejections under 35 USC 112 second paragraph are withdrawn in view of Applicant's amendment and arguments.

New Grounds of Rejections

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 80 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) Claim 80 lacks proper antecedent basis for "the fourth electrode" because the claim 77 from which it depends only refers to a third electrode. Additionally, logical antecedent basis is

Art Unit: 1637

lacking in the claim for the addition of a fifth and sixth electrode because the claim 77 from which it depends only recites a first, second and third electrode.

Closest Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Natan et al (US 609907, March 1997) teaches a self assemble metal colloids that are applied to metallic surfaces, such as electrochemically roughened electrodes (see entire document, especially Abstract, and col. 2, lines 10-15). Natan et al further teach that metals such as AU or Ag particles may be associated with biomolecules, such as proteins (see col. 12, lines 14-46 and Example 3). Therefore, Natan et al's patent discloses the concept of electrodes, biomolecules and nanoparticles, but do not teach or suggest an organic structure, which includes DNA, R-loop in the DNA and nanoparticles attached to the DNA in the R-Loop. Landgrif et al (IDS filed 12/7/2005) teach the scission of DNA directed through sequence-specific R-Loop formation, but do not teach the association of R-loop with nanoparticles or electrochemical electrodes. No motivation could be found in the prior art for the instant invention as claimed.

Conclusion

7. Claim 80 is rejected. Claims 59-61, 63-64, 66-83 and 85-112 are free of the prior art. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia B. Wilder, Ph.D. whose telephone number is (571) 272-0791. The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be emailed to cynthia.wilder@uspto.gov. Since email communications may not be secure, it is suggested that information in such request be limited to name, phone number, and the best time to return the call.

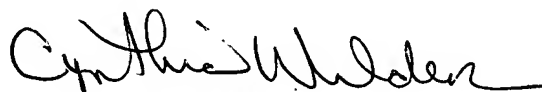
Art Unit: 1637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.


CYNTHIA WILDER
PATENT EXAMINER
4/6/06